

Congress of the United States
Washington, DC 20515

September 7, 2007

Brent Wahlquist
Director
Office of Surface Mining
United States Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Director Wahlquist,

The Wyoming delegation played a central role in drafting the Surface Mining Control and Reclamation Act Amendments of 2007. We worked in good faith with the Office of Surface Mining (OSM) to pass legislation that would accomplish our goal of returning the money owed to our state with no strings attached and that would ensure that future monies promised to our state were not withheld in the future.

We continue to be troubled by reports that the OSM is considering a rule that will return monies to certified states like Wyoming through a grant process. As we have voiced in a number of meetings with you, members of your staff and other Administration officials, such a rule is contrary to the intention of Congress.

It is our understanding that you intend to release the Interim Final Rule to govern implementation in FY 2008 and the Draft Rule to govern implementation for the remainder of the program later this month. As you move forward, we strongly encourage you to reject any rule that ignores the intention of Congress by sending funding to certified states in a grant form.

Thank you for your prompt attention to this matter. We look forward to the release of a rule that returns funding to states as Congress intended – in a direct payment form with no strings attached.

Sincerely,



Michael B. Enzi
United States Senator



John Barrasso
United States Senator



Barbara Cubin
Member of Congress

Cc: Director Jim Nussle, Office of Management and Budget